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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/905,590 | 07/13/2001 | Daryl Craig Josephson | 00001 | 4281 |

7590 11/21/2003

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EXAMINER

WOZNIAK, JAMES S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2655

DATE MAILED: 11/21/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/905,590

Applicant(s)

JOSEPHSON, DARYL CRAIG

Examiner

James S. Wozniak

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/13/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12/31/2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Detailed Action

Drawings

1. The replacement drawings were received on 1/23/02. These drawings are acceptable, except for the following objections:
2. The drawings of Figures 5, 6a-e, 8, 10, 10-1, 10-2, 11a, 11b, and 12-21 are objected to as failing to comply with 37 CFR 1.84(p)(4) because:
 - Reference characters “Fig. 6a” and “Fig. 6b” has been used to designate flow diagrams of command execution and a second instance of the drawings featuring entirely different content
 - The following reference drawings are not mentioned in the specification Figs.: 5, 6c-e, 8, 10, 10-1, 10-2, 11a, 11b, 12-14, and 19-21
 - Drawings are not in numerical sequence: the following drawings are not found in the application: Figs. 15-18

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

4. The disclosure is objected to because of the following informalities:

- Figs.: 5, 6c-e, 10, 10-1, 10-2, 11a, 11b, 12-14, and 19-21 are not listed in the brief or detailed drawing descriptions.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-4** are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent: 5,761,420 to Johnson et al.

With respect to **Claims 1 and 3**, Johnson shows:

An interfacing method and system (*voice command interface, Col. 4, Line 36*) comprising:

receiving machine information corresponding to a machine (*recognizing an input into the voice control system, Col. 4, Lines 40-43*);

determining objectives corresponding to the machine information (*issues keystrokes to a keyboard determined by the voice control system, Col. 4, Lines 40-43*); and

determining conversant commands corresponding to the objectives (*voice control system that recognizes a voice command through a template with a trained voice field, Col. 4, Lines 36-43*).

With respect to **Claim 2**, Johnson discloses:

A conversant interface formed according to the method of claim 1 (*voice control interface that recognizes a voice command through a template with a trained voice field, Col. 4, Lines 36-43*).

With respect to **Claim 4**, Johnson recites:

A computer readable medium having stored thereon computer code for causing a computer to perform the steps of (*floppy disk and drive containing a computer program that implements the voice command interface using a data processing system, Col. 3, Lines 29-32*):

receiving machine information corresponding to a machine (*recognizing an input into the voice control system, Col. 4, Lines 40-43*);

determining objectives corresponding to the machine information (*issues keystrokes to a keyboard determined by the voice control system, Col. 4, Lines 40-43*); and

determining conversant commands corresponding to the objectives (*voice control system that recognizes a voice command through a template with a trained voice field, Col. 4, Lines 36-43*).

Thus, Johnson anticipates the disclosed invention as recited in Claims 1-4.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent: 5,991,726 to Immarco et al- teaches a speech recognition system that controls industrial equipment or machinery that operates based upon natural language recognition, stores application software on a disk drive, CD-ROM, or other storage media, and matches a voice command with a previously stored database command to perform a corresponding action.

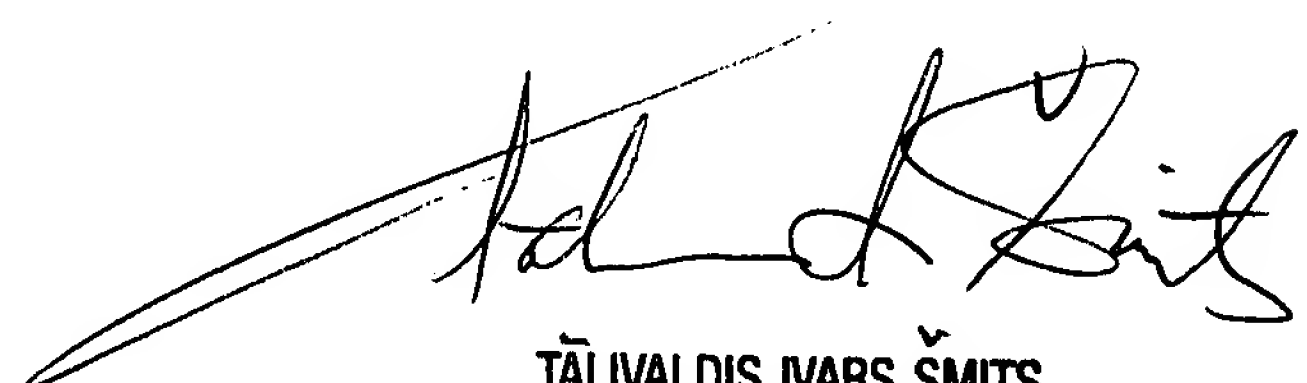
- U.S. Patent: 5,375,063 to Peck et al- teaches a voice controlled user interface to apparel machines that performs a requested command upon reception of a voice signal and utilizes a voice library contained on a floppy disk in the speech recognition process.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (703) 305-8669. The examiner can normally be reached on Mondays-Fridays, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached at (703) 306-3011. The fax/phone number for the Technology Center 2600 where this application is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 306-0377.

James S. Wozniak
11/12/2003



TĀLIVALDIS IVARS ŠMITS
PRIMARY EXAMINER